

## REMARKS

Reconsideration of the present application is respectfully requested.

### Summary of Final Office Action

Claims 1, 6, 7, 9-15, 17-33 and 44 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent no. 6,651,085 of Woods ("Woods"). Claims 8, 16, 37 and 41 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Woods.

### Summary of Amendments

Claims 45-48 are new. No claims have been amended or canceled in this amendment (claims 2-5, 34-40 and 42-43 were previously canceled).

### Response to Final Office Action and Advisory Action

Applicants respectfully traverse the rejections. The Examiner's interpretation of the cited art, as clarified in the Advisory Action, is still clearly wrong.

Before discussing the rejections, however, Applicants again note that in the Advisory Action, the Examiner's summary of Applicants' arguments again grossly distorts Applicants' arguments, as in the prior Office Action. Applicants do not agree with the Examiner's summary/characterization of their arguments.

Referring now to the claims, claim 1 recites:

1. (Previously presented) A computer-implemented apparatus for use by a plurality of users using a plurality of user devices, the apparatus comprising a plurality of agents of a plurality of different types to communicate with each other, at least some of the agents representing physical entities, the plurality of agents including:

a plurality of device agents, each **representing** one of the plurality of user **devices**; and

a plurality of persona agents, which are separate entities from the device agents, each of the persona agents **representing** one of the plurality of **users**;

wherein the plurality of **persona** agents collect information about properties of other agents, including the device agents, **and route the collected information to one or more other agents, of the plurality of agents, which subscribe to the properties.** (Emphasis added.)

Independent claim 33 includes similar limitations.

Woods relates to a system that enables a computer user to view the status of one or more customer service agents. Woods does not disclose or suggest, however, *any* of the elements of claim 1.

#### Point #1

In the Advisory Action the Examiner contends, “The software interface provided to the user to indicate the status of the device is interpreted to be ‘plurality of device agents that represents [sic] the plurality of user devices,’” citing Woods at fig. 8 and col. 5, lines 50-67 (see Advisory Action continuation sheet). However, that interpretation does not withstand scrutiny.

The disclosure which the Examiner cites relates to an agent entered status screen used by a human agent to set his status (e.g., “available”, “out to lunch”, etc.). That mechanism does not represent the status of a *device* as the Examiner contends; it represents, if anything, a *human being*, i.e., a customer service agent, *not* the *device* which the agent uses or any other “user device”. An agent in Woods presumably can

use *any* device connected to the network and still use the same status interface to set his status.

Therefore, the Examiner's interpretation is incorrect. Applicants find no disclosure or suggestion in Woods of "a plurality of device agents, each *representing* one of the plurality of user *devices*" per claim 1 (emphasis added). For at least this reason, therefore, claim 1 is not anticipated by Woods, nor does Woods render the invention of claim 1 obvious.

## Point #2

Woods also does not disclose "a plurality of persona agents, which are separate entities from the device agents, each of the persona agents *representing* one of *the plurality of users*". In the Advisory Action the Examiner contends, "The search engine and the console provided to each user that collect [*sic*] information about other agents are interpreted to be the 'plurality of persona agents,'" citing Woods at figs. 3-4. However, that interpretation also does not withstand scrutiny.

The disclosure which the Examiner cites relates to an agent status search engine and console *used by a customer* to search for an agent. But although that mechanism is *used by* a user (customer), it does not *represent* a user (customer) as the persona agents of claim 1 do.

Furthermore, even assuming *arguendo* it "represents" a user within the meaning of claim 1, it certainly does not represent a user *of one of the devices which the Examiner contends the alleged "device agents" represent*, per claim 1. The Examiner must give weight to the explicit *relationships* between claim elements in claim 1,

specifically, the relationships between the “plurality of users”, the “plurality of user devices”, the “plurality of device agents”, and the “plurality of persona agents”: As recited in claim 1, each of the persona agents *represents* one of “*the plurality of users*” (emphasis added), and by the plain language of claim 1, “the plurality of users” clearly are the *same users* who use “*the plurality of user devices*” (emphasis added).

According to the Examiner’s interpretation of “persona agents”, the “users” in Woods are the *customers* (because they use the agent status search engine and console); *however*, according to the Examiner’s interpretation of “device agents” (see above), the “users” in Woods would have to be *the agents*, *not* the customers (since the user of an agent entered status screen (fig. 8) is an *agent*, not a customer).

Consequently, the Examiner’s interpretations of “persona agents” and “device agents” result in inconsistency regarding who the “users” are in Woods, such that Woods cannot be read on claim 1. Contrary to the Examiner’s position, the agent status search engine and console that is used *by a customer* in Woods (figs. 3-4) *cannot* be interpreted as a “persona agent” of claim 1, because assuming *arguendo* it “represents” a user, it represents a *different user* than any user represented by an agent entered status screen (fig. 8)(which the Examiner interprets as a “device agent”). Likewise, the agent entered status screen (fig. 8) in Woods also *cannot* be interpreted as a “device agent” of claim 1, because assuming *arguendo* it “represents” a user, it represents a *different user* than any user represented by an agent status search engine and console (figs. 3-4)(which the Examiner interprets as a “persona agent”). Thus, the Examiner’s interpretations are clearly inconsistent with the plain language of claim 1.

For these additional reasons, therefore, claim 1 is not anticipated by Woods, nor does Woods render the invention of claim 1 obvious.

### Point #3

Furthermore, even assuming *arguendo* Woods discloses “device agents” and “persona agents” as recited in claim 1, Woods still does not disclose or suggest that “the plurality of persona agents collect information about properties of other agents, including the device agents, *and route the collected information to one or more other agents*, of the plurality of agents, *which subscribe to the properties*” (emphasis added). As noted above, the Examiner interprets the search engine and the console provided to each customer in Woods (figs. 3-4) to read on the “persona agents” of claim 1. However, a search engine and console used by a customer in Woods *does not route collected information to any other entity* that could be considered another “agent” within the meaning of claim 1; it merely displays the search results to the user (customer).

For this additional reason, therefore, claim 1 is not anticipated by Woods, nor does Woods render the invention of claim 1 obvious.

Thus, Woods does not disclose or suggest *any* of the elements of independent claim 1 or independent claim 33. Therefore, independent claims 1 and 33, and all claims which depend on them, are patentable over the cited art.

### New Claims

New claim 45 is similar to claim 1, except that it further recites that “the device agents communicate with each other *through one or more of the persona agents*” (emphasis added). Woods cannot be read on claim 45 further in view of this feature. In Woods, none of the agent entered status screens (which are alleged by the Examiner to be the “device agents”) or the software associated with them are disclosed as having the ability to communicate with other agent entered status screens or associated software, much less doing so *through the search engines and consoles* provided to customers (alleged to be “persona agents”). Therefore, Woods does not disclose the above-mentioned limitation in claim 45, such that claim 45 is further patentable over the cited art for this additional reason.

New claim 47 is similar to claim 1, except that it further recites that “at least one of the device agents represents a *wireless user device that has an intermittent connection to the other user devices*” (emphasis added). Woods does not disclose or suggest that an agent entered status screen (alleged by the Examiner to be “device agent”) can be a wireless device. Therefore, Woods does not disclose the above-mentioned limitation in claim 47, such that claim 47 is further patentable over the cited art for this additional reason.

New claim 48 is similar to claim 1, except that it further recites that “*said plurality of agents collectively form[] a person-to-person electronic messaging application*” (emphasis added). Woods relates to a system for providing customers with agent

status information. Woods does not in any way relate to person-to-person electronic messaging applications, much less suggesting such functionality. Therefore, Woods does not disclose the above-mentioned limitation in claim 48, such that claim 48 is further patentable over the cited art for this additional reason.

#### Dependent Claims

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, Applicants' silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.

#### Conclusion


For the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly requested.

If there are any additional charges, please charge Deposit Account No. 02-2666.

Respectfully submitted,

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